

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BALLARD NURSING CENTER, INC., )  
                                       )  
Plaintiff,                         )  
                                       ) 08 C 2749  
v.                                 )  
                                       ) Judge St. Eve  
CARE DIAGNOSTIC SERVICES, LLC, )  
and JOHN DOES 1-10,             )  
                                       )  
Defendants.                     )

**PLAINTIFF'S MOTION FOR DEFAULT**

NOW COMES plaintiff, who respectfully requests that this Court issue an order declaring defendant Care Diagnostic Services, LLC to be in default and setting this matter for prove up of damages and attorney's fees and costs.

In support of this motion, plaintiffs state:

1. Plaintiff Ballard Nursing Center, Inc., brought this action to secure redress for the actions of defendant Care Diagnostic Services, LLC, in sending or causing the sending of unsolicited advertisements to telephone facsimile machines in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA"), the Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA"), and the common law.

2. This case was filed on May 12, 2008, and defendant Care Diagnostic Services, LLC was served on May 23, 2008, by delivering a copy of the summons and complaint to the address of its registered agent, at which the mother of the registered agent and employee of defendant was present and accepted service. Care Diagnostic Services' court-ordered answer date was June 12, 2008. (Exhibit A)

3. As of the date of the filing of this motion, defendant has not appeared,

answered or otherwise filed a responsive pleading to plaintiff's complaint.

4. Plaintiff respectfully requests a judgment of \$1,500.00 per facsimile, pursuant to 47 U.S.C. § 227(b)(3), plus reasonable attorney's fees and costs, be entered against Care Diagnostic Services, LLC

WHEREFORE, plaintiff respectfully requests that this Court enter an order of default against Care Diagnostic Services, LLC, and in favor of plaintiff and set a date for prove up of damages and attorney's fees and costs.

Respectfully submitted,

/s/ Julie Clark  
Julie Clark

Daniel A. Edelman  
Cathleen M. Combs  
James O. Latturner  
Julie Clark  
EDELMAN, COMBS, LATTURNER  
& GOODWIN, LLC  
120 S. LaSalle Street, 18th Floor  
Chicago, Illinois 60603  
(312) 739-4200  
(312) 419-0379 (FAX)

# **EXHIBIT A**

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

BALLARD NURSING CENTER, INC.,

CASE NUMBER:

**08 C 2749**

v.

ASSIGNED JUDGE:

CARE DIAGNOSTIC SERVICES, LLC,  
and JOHN DOES 1-10

DESIGNATED  
MAGISTRATE JUDGE:

JUDGE ST. EVE  
MAGISTRATE JUDGE COLE

TO: (Name and address of Defendant)

CARE DIAGNOSTIC SERVICES, LLC  
c/o MOHAMMED HUSSAIN MUQEEM, registered agent  
1 SOUTH 246 WISCONSIN AVE  
LOMBARD, IL 60148

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edelman, Combs, Latturner, & Goodwin, LLC  
120 South La Salle Street  
18th Floor  
Chicago, IL 60603

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

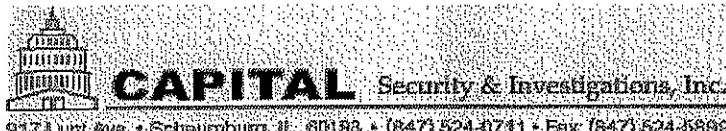
Michael W. Dobbins, Clerk

  
(By) DEPUTY CLERK

May 12, 2008

Date





## ENDORSEMENT OF SERVICE AND AFFIDAVIT

Date Received	<u>5/15/2008</u>	Case Number	<u>08 C 2749</u>	Type of Service	<input checked="" type="checkbox"/> X	
Plaintiff(s)				Last Serve Date (if any):		
<b>Ballard Nursing Center, Inc.</b>		Name <b>Care Diagnostic Services, LLC</b> c/o Mohammed Hussein Muqueem			Normal RUSH	
Vs.				Service Address	Attorney or Firm	
Defendant(s)				<b>1 South 246 Wisconsin Avenue</b> <b>Lombard, IL 60148</b> PHONE:	<b>EDELMAN, COMBS, LATTURNER &amp; GOODWIN, LLC</b> 120 SOUTH LASALLE ST. 18th FL CHICAGO, IL 60603 FAX: 312-419-0379	
		County of	<b>COOK</b>	ILLINOIS		

- Personal Service: By leaving a copy of the Summons and Complaint with the Named Defendant Personally.
- Substitute Service: By leaving a copy of the Summons and Complaint at the Defendant's usual place of abode with some person of the family, of the age of thirteen (13) years or upwards, and informing that person of the contents thereof.
- Corporate Service: By leaving a copy of the Summons and Complaint with the registered agent, or agent of the defendants corporation

BY: Printed Name of Process Server: William Shurtleff License #: 117-001004/115-001430

Writ  Served on Marilyn Flores, Mohammed Hussein Muqueem  
 Sex Female Race White Age 56 Ht. 5'11" Wt. 145 Hair Brown  
 This 23rd day of May 2008 Time 1:30 (A.M.  P.M.)

Additional Remarks: Mrs. Flores works for Care Diagnostic Services

The Named Defendant Was Not Served.

Type of Building: Single - Family Home

Neighbors Name: \_\_\_\_\_

Address: \_\_\_\_\_

### ATTEMPTED SERVICES

DATE	TIME (AM/PM)	COMMENTS
<u>5-05-08</u>	<u>1:11</u>	<u>Affirmed Service, No Answer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

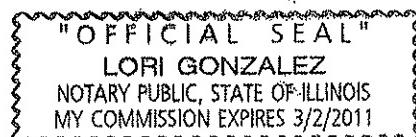
### Comments:

Signed and Sworn to (or Affirmed) by

Notary Public

before me, this 23rd day of May 08

Seal



### Fee For Service

I certify that I have no interest in the above action; I am a Processes Server in good standing and served all Documents given to me in this matter.

By:

License # 117-001004/115-001430